

**Listing of Claims:**

Claim 1 (Canceled).

2. (Previously Presented) The defect inspection apparatus according to claim 18, wherein

if the focusing control using the second focusing control parameter is unsuccessfully performed when said pattern image  
5 obtaining unit obtains the pattern image of the part to be inspected, the focusing control parameter is changed to the first focusing control parameter and the pattern image of the part to be inspected is obtained by performing the focusing control using the first focusing control parameter.

3. (Previously Presented) The defect inspection apparatus according to claim 2, wherein

if the focusing control using the first focusing control parameter is unsuccessfully performed when said pattern image  
5 obtaining unit obtains the pattern image of the part to be inspected, the pattern image of the part to be inspected is obtained by regarding the focusing position of the reference part as the focusing position of the part to be inspected.

4. (Original) The defect inspection apparatus according to claim 3, wherein

when said pattern image obtaining unit obtains the pattern image of the part to be inspected by regarding the focusing position of the reference part as the focusing position of the part to be inspected, information about unsuccessful focusing control is added to the pattern image of the part to be inspected.

Claims 5-6 (Canceled).

7. (Previously Presented) The defect inspection apparatus according to claim 18, wherein the sample information comprises at least one of information about the focusing position of the reference part and information about a light amount according to light reflected from the reference part.

Claim 8 (Canceled).

9. (Previously Presented) A defect inspection method, comprising:

driving a stage or an objective lens facing an observation object in order to change an observation part of the observation

5       object placed on the stage to a reference part determined to be  
normal beforehand within the observation object;

          performing focusing control so that automatic focusing is  
achieved on the reference part according to a first focusing  
control parameter;

10       determining a second focusing control parameter based on  
sample information obtained when performing the focusing control  
to achieve the focusing on the reference part;

          obtaining a pattern image of the reference part;

15       driving the stage or the objective lens in order to change  
the observation part of the observation object to a part to be  
inspected, which becomes a target of inspecting for the presence  
or absence of a defect within the observation object;

          setting the focusing parameter to the second focusing  
parameter;

20       performing the focusing control in order to achieve focus on  
the part to be inspected according to the second focusing control  
parameter; then

          obtaining a pattern image of the part to be inspected; and

25       detecting the presence or absence of an abnormal condition  
of the part to be inspected by making a comparison between the  
pattern image of the reference part and the pattern image of the  
part to be inspected.

10. (Previously Presented) The defect inspection method according to claim 9, wherein:

if the focusing control using the second focusing control parameter is unsuccessfully performed, the focusing control parameter is changed to the first focusing control parameter and the pattern image of the part to be inspected is obtained by performing the focusing control using the first focusing control parameter.

11. (Previously Presented) The defect inspection method according to claim 10, wherein:

if the focusing control using the first focusing control parameter is unsuccessfully performed when obtaining the pattern image of the part to be inspected, the pattern image of the part to be inspected is obtained by regarding the focusing position of the reference part as the focusing position of the part to be inspected.

12. (Original) The defect inspection method according to claim 11, wherein:

when the pattern image of the part to be inspected is obtained by regarding the focusing position of the reference part as the focusing position of the part to be inspected, information

about unsuccessful focusing control is added to the pattern image of the part to be inspected.

Claims 13-17 (Canceled).

18. (Previously Presented) A defect inspection apparatus, comprising:

a stage on which an observation object is placed;

an objective lens for imaging the observation object;

5 an observation part changing unit for changing an observation position of the observation object via the objective lens by moving at least one of the stage and the objective lens in a direction perpendicular to an optical axis of the objective lens;

10 a focusing unit for changing a relative distance between the stage and the objective lens in a direction of the optical axis of the objective lens;

a focusing control unit for performing automatic focusing by driving said focusing unit to focus on the observation object;

15 a parameter setting unit for setting a focusing control parameter used for controlling the automatic focusing;

a pattern image obtaining unit for obtaining a pattern image of an observation part by driving the observation part changing unit to change the observation position;

20           a pattern image storing unit for storing the pattern image  
obtained by said pattern image obtaining unit;

          a detecting unit for detecting the presence or absence of a  
defect of a part to be inspected by making a comparison between  
the pattern image of a reference part in the observation object  
25       stored in the pattern image storing unit and the pattern image of  
the part to be inspected in the observation object;

          wherein said pattern image obtaining unit is arranged to  
obtain the pattern image of the reference part in the observation  
object determined as normal beforehand by performing the focusing  
30       control via the focusing control unit using a first focusing  
control parameter set by the parameter setting unit, and arranged  
to change the observation position to the part to be inspected  
and obtain the pattern image of the part to be inspected by  
performing the focusing control via the focusing control unit  
35       using a second focusing control parameter set by the parameter  
setting unit, and

          wherein said focusing control unit is arranged to determine  
the second focusing control parameter, used when obtaining the  
pattern image of the part to be inspected, based on sample  
40       information obtained when performing the focusing control to  
obtain the pattern image of the reference part.

19. (Previously Presented) The defect inspection apparatus according to claim 18, wherein:

the focusing control parameter contains at least one of movement speed of said focusing unit search range used when acquiring the observation object autofocus method offset amount, and contrast threshold.

20. (Previously Presented) The defect inspection apparatus according to claim 18, wherein:

said pattern image obtaining unit obtains a plurality of inspection images of the reference part by operating said observation part changing unit after obtaining a reference image of the reference part and detects defects by comparing the plurality of inspected images with one reference image in the detection unit, respectively.

21. (Previously Presented) The defect inspection apparatus according to claim 18, wherein:

the reference part and the part to be inspected are provided in a specific position in the observation object having a plurality of same patterns and the patterns of the reference part and the inspection part are the same, respectively.

22. (Previously Presented) The defect inspection apparatus according to claim 21, wherein:

the presence or absence of a defect is detected by making a comparison between the pattern image of the reference part stored in said pattern image storing unit and the pattern image of the part to be inspected by said detecting unit, and if a different part is found in each pattern, the pattern image of the part to be inspected is determined to be abnormal and if the patterns are the same, they are determined to be normal.

23. (Currently Amended) The defect inspection ~~apparatus~~ method according to claim 9, wherein:

the focusing control parameter contains at least one of movement speed of said focusing unit, search range used when acquiring the observation object, autofocus method, offset amount and contrast threshold.

24. (Currently Amended) The defect inspection method according to claim 9, wherein:

after obtaining a reference image of the reference part, a plurality of inspection images of the reference part are obtained and defects are detected by comparing the plurality of inspected images with one reference image, respectively.



25. (Currently Amended) The defect inspection apparatus according to claim [[9]] 18, wherein:

the reference part and the part to be inspected are provided in a specific position in the observation object having a plurality of same patterns and the patterns of the reference part and the inspection part are the same, respectively.

26. (Previously Presented) The defect inspection apparatus according to claim 25, wherein:

the presence or absence of a defect is detected by making a comparison between the obtained pattern image of the reference part and the pattern image of the part to be inspected, and if a different part is found in each pattern, the pattern image of the part to be inspected is determined to be abnormal and if the pattern are the same they are determined to be normal.